

(64)
5/14/02
MA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ALLFIRST BANK,

Plaintiff

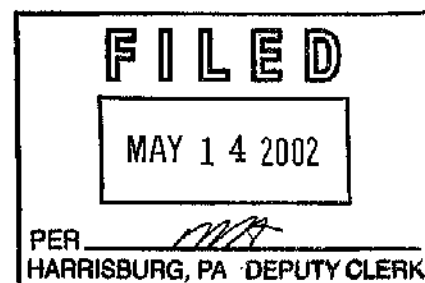
v.

JOHN M. ORTENZIO,

Defendant

CIVIL ACTION NO. 1:CV-01-0786

ORDER



Before the court is Plaintiff's motion *in limine* to preclude the testimony of Defendant's expert witness, Donald C. Frueh. The issue has been briefed and is ripe for disposition.

Plaintiff's position is noted in part. Mr. Frueh should not testify as to whether the use of the temporary line of credit violated any of the terms of the loan documents. He is not precluded, however, from testifying as to the usual and customary practice in the banking industry on line of credit obligations. Mr. Frueh will be able to testify as to the usual and customary practice in the industry concerning all factors associated with the type of commercial loan practices which are at issue in this case. He will not be permitted to issue an opinion on the ultimate issue – whether the terms of the loan documents were breached.

IT IS SO ORDERED.

SYLVIA H. RAMBO
United States District Judge

Dated: May 14, 2002.